

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

1. Brian D. Randell,

Plaintiff(s),

vs.

Case Number: 19-CV-392-TCK-TLW

Honorable Terrance C.Kern

1. Southcrest, LLC, et al.,

Defendant(s).

JOINT STATUS REPORT

Jury Demanded:   X   Yes        No

I. Summary of Claims: This is an action for wrongful termination in violation of the Americans With Disabilities Act.

A. Claims to be Dismissed: The claims against Ardent Health Services have previously been dismissed by Plaintiff.

II. Summary of Defenses:

1. Plaintiff's allegations fail to state a claim upon which relief may be granted.
2. Plaintiff does not suffer from an ADA-protected disability. Even if Plaintiff could show that he was disabled under the ADA, he was not qualified for the position he held as he could not carry out the position's essential functions.
3. Plaintiff did not request a reasonable accommodation for an alleged ADA-protected disability.
4. Plaintiff's alleged accommodation would have placed an undue hardship on Defendant.
5. If Plaintiff's requests for time off from work are considered a request for an accommodation, said requests were accommodated.
6. Defendants fully complied with the requirements of the American with Disabilities Act (ADA), as amended.
7. Plaintiff failed to exhaust his administrative remedies, failed to file suit within the statute of limitations, and failed to mitigate his damages.
8. Plaintiff's claim is barred and/or limited by the doctrines of estoppel, laches, and waiver.
9. Plaintiff is not entitled to punitive damages because Defendants at all times acted in good faith and had reasonable grounds to believe that their acts complied with the law.

10. Defendant states that it exercised reasonable care to prevent and to promptly correct any alleged discriminatory conduct and Plaintiff unreasonably failed to use the employer's preventative measures.

11. Plaintiff was never employed by CHSPSC.

A. Defenses to be Abandoned:

None.

III. Motions Pending (Include Docket Number, Description and Date at Issue): None.

IV. Stipulations:

A. Jurisdiction Admitted: ☒ Yes ☒ No (As to CHSPSC)

B. Venue Appropriate: ☒ Yes ☐ No (If no, explain.)

C. Facts: ☒ Yes ☐ No

Plaintiff was employed by SouthCrest Hospital from October 12, 2009 until he tendered his resignation on September 1, 2010.

D. Law: ☐ Yes ☒ No

V. Proposed Deadlines:

A. Parties to be added by: February 21, 2014

B. Proposed discovery cutoff date (4 months of discovery unless extended by the court for good cause):  
June 23, 2014

Defendant requests 6 months of discovery because (1) SouthCrest Hospital ceased operations in September 2011 and was bought by Ardent Health Systems. As such, relevant witnesses and documents will likely take additional time to locate; (2) this case will involve subpoenas to medical facilities for records 4-5 years old, which will likely take additional time to locate as well.

C. Fact witness lists to be exchanged by: March 21, 2014

D. Proposed Date for Expert Reports by Plaintiff and Defendant:  
April 7, 2014

VI. Fed. R. Civ. P. 26(f) Discovery Plan

A. Should any changes be made to the timing, form or requirements for disclosures under Rule 26(a)?

\_\_\_\_ Yes      \_\_X\_\_ No

If yes, please explain:

- B. When were or will initial disclosures under Rule 26(a)(1) be made?  
February 5, 2014

Note that pursuant to Rule 26(a)(1), initial disclosures must be made within 14 days after you confer for the purpose of preparing this discovery plan. All parties are under an affirmative duty to (i) comply with the mandatory disclosure requirements, and (ii) notify the Court of any non-disclosure so that the issue can be promptly referred to a Magistrate Judge for resolution. Failure of any party to disclose information or failure of any party to bring disclosure issues to the Court's prohibiting the use of that information at trial, pursuant to Rule 37(c)(1).

- C. Should discovery be conducted in phases and/or should discovery be limited at this time to particular subject matters or issues?

\_\_\_\_ Yes      \_\_X\_\_ No

- D. Should any changes be made in the limitations on discovery imposed by the Federal Rules of Civil Procedure or the Court's local rules?

\_\_\_\_ Yes      \_\_X\_\_ No

- E. Proposed Number of fact and expert depositions:

1. To be allowed for Plaintiff?      \_\_\_\_\_ 10

2. To be allowed for Defendant?      \_\_\_\_\_ 10

- F. Is there a need for any other special discovery management orders by the Court?

\_\_\_\_ Yes      \_\_X\_\_ No

If yes, please explain:

- G. The parties are directed to Guidelines for Discovery of Electronically Stored Information on the public website at [www.oknd.uscourts.gov](http://www.oknd.uscourts.gov) for advise on the production of electronic information.

- VII. Are Dispositive Motions Anticipated?      \_\_X\_\_ Yes      \_\_\_\_ No  
If yes, describe them.

Defendants anticipate filing Motions for Summary Judgment as to Plaintiff's claims.

### VIII. Do All Parties Consent to Trial before the Assigned Magistrate Judge?

\_\_\_\_\_ Yes        X   No

If yes, please email a proposed Trial Consent to the Clerk via the designated mailbox at [CM-ECFIntake\\_OKND@oknd.uscourts.gov](mailto:CM-ECFIntake_OKND@oknd.uscourts.gov) and indicate the month and year in which trial by the Magistrate Judge is Requested. Please do not file proposed documents as an attachment to a document. (Refer to section XIV of the CM/ECF Administrative Guide of Policies and Procedures for further instruction regarding proposed documents.)

IX. Is there any matter that should be referred to the assigned Magistrate Judge for final disposition upon partial consent of all the parties pursuant to Local Rule 73.1?

       Yes        X   No

If yes, please email a completed, proposed Partial Consent form to the Clerk via the designated mailbox at [CM-ECFIntake\\_OKND@oknd.uscourts.gov](mailto:CM-ECFIntake_OKND@oknd.uscourts.gov). Please do not file proposed documents as an attachment to a document. (Refer to section XIV of the CM/ECF Administrative Guide of Policies and Procedures for further instruction regarding proposed documents.)

X. Settlement Plan (Check one)

  X   Settlement Conference Requested after: Discovery Cutoff (Plaintiff)  
Dispositive Motions (Defendant)

Describe settlement judge expertise required, if any: Employment Law

Private Mediation Scheduled in (date): \_\_\_\_\_

\_\_\_\_\_ Other ADR  
(Explain)

\_\_\_\_ ADR is not appropriate in this case  
(Explain)

Has a copy of the Court's ADR booklet been provided to clients as required?

Plaintiffs:   X   Yes        No

Defendants:	X	Yes	No
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XI. Does this case warrant special case management? \_\_\_\_ Yes \_\_\_\_X\_\_ No  
If yes, explain why.

XII. Do the parties request that the Court hold a scheduling conference? Yes ☒ No ☐

If a conference is not requested, or ordered by the Court, the Court will, after receiving this report, issue a scheduling order based on the information contained in this report.

XIII. Estimated trial time: 3 to 5 days

Read and Approved by: (Add additional lines or pages as needed)

s/Jeff Nix

Jeff Nix OBA #6688  
406 So. Boulder, Ste 400  
Tulsa, OK 74103  
Tele: (918) 587-3193  
Fax: (918) 582-6106  
Attorney for Plaintiff

AND

/s/ Jessica C. Ridenour

Jessica C. Ridenour, OBA #20758  
David E. Strecker, OBA 8687  
STRECKER & ASSOCIATES, P.C.  
2150 Mid-Continent Tower  
401 South Boston Avenue  
Tulsa, OK 74103-4009  
Telephone: (918) 582-1716  
Facsimile: (918) 582-1780  
*Attorneys for Defendants*